

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RACHEL URZUA,

Plaintiff,

v.

WALMART, INC., a foreign corporation d/b/a
WALMART MARKET #5269; DOES I
through X; DOE EMPLOYEES I through X;
ROE MAINTENANCE COMPANIES; and
ROE CORPORATIONS I through X, inclusive,

Defendant(s).

CASE NO: 2:23-cv-00811-GMN-NJK

**STIPULATION AND ORDER TO
CONTINUE BRIEFING FOR ALL
PENDING MOTIONS**

(SECOND REQUEST)

Plaintiff, RACHEL URZUA, and Defendant, WALMART, INC., d/b/a WALMART MARKET #5269 (“Defendant”), by and through their respective counsel of record, hereby submit the instant Stipulation and Order to Continue Briefing for All Pending Motions (Second Request) pursuant to LR IA 6-1 and IA 6-2 and LR 26-3. Specifically, the parties seek to continue the deadlines for filing responsive briefing with respect to (1) Plaintiff’s Motion to Strike [Doc. 22], filed on January 25, 2024, responses to which are due February 8, 2024; and (2) Defendant’s Motion for Summary Judgment [Doc. 23], filed on January 25, 2024, responses to which are due February 15, 2024. No hearing has been noticed for either motion.

...

I.

PROCEDURAL HISTORY

On April 3, 2023, Plaintiff filed her Complaint against Defendant WALMART, INC., d/b/a WALMART MARKET #5269 with the Eighth Judicial District Court for Clark County, Nevada. On April 27, 2023, Walmart filed its Answer to Plaintiff's Complaint. On May 11, 2023, Plaintiff filed her Request for Exemption from Arbitration in which she outlined her claimed injuries and alleged damages. On May 24, 2023, Defendant filed its Notice of Removal and removed the matter to this Court based on diversity jurisdiction. On June 8, 2023, Defendant filed its Statement Regarding Removal. The parties participated in the Fed. R. Civ. P. 26(f) conference on June 30, 2023. The parties' proposed Joint Discovery Plan and Scheduling Order was denied by this Court on July 14, 2023 and the Court's Scheduling Order issued that same day.

In light of the closure of Defendant's counsel's law firm, on September 14, 2023, Defendant's Notice of Association of Counsel was submitted. On September 25, 2023, the Court's Order Granting in Part and Denying in Part Stipulation for Extension of Time was entered. The parties' Stipulated Protective Order was granted on October 27, 2023. On January 25, 2024, Plaintiff filed her Motion to Strike, responses to which are due February 8, 2024. Also on January 25, 2024, Defendant filed its Motion for Summary Judgment, responses to which are due on February 15, 2024. On February 1, 2024, this Court referred this action to Magistrate Judge Nancy J. Koppe for a settlement conference to be held on March 26, 2024 via videoconference.

II.

BASIS FOR REQUEST

Good cause exists to continue the deadlines for responsive briefing to the parties' pending motions. The parties diligently complied with the Court's deadline for dispositive motions in this matter and timely filed their respective motions on January 25, 2024. However, this Court referred the case to a settlement conference, set to occur on March 26, 2024. *See* Order (Doc. 25). After meeting and conferring on the matter, the parties concluded that resolution without trial may more likely be obtained through private mediation rather than a settlement conference with the Court. Accordingly, the parties are scheduled for private mediation with Judge Trevor Atkin (Ret.) of

Advanced Resolution Management, to occur on May 1, 2024. Moreover, the parties further concluded that the responsive briefing deadlines for Plaintiff's Motion to Strike and for Defendant's Motion for Summary Judgment should be continued until after the May 1, 2024 private mediation. Continuation is warranted to allow the parties to focus their time, money, and other resources on negotiating resolution through private mediation and will avoid unnecessary burden to the Court's docket. Finally, no party will be prejudiced by this request as both parties agree that continuing the briefing deadlines and participating in private mediation on May 1, 2024 is the most likely path toward early resolution prior to trial. Thus, good cause exists to continue the deadlines for responsive briefing regarding the parties' pending motions.

IV.

PROPOSED BRIEFING SCHEDULE

	Current Date	Proposed Date
Response to Plaintiff's Motion to Strike:	02/08/2024	06/01/2024
Response to Defendant's Motion for Summary Judgment:	02/15/2024	06/08/2024

...

...

...

...

...

...

...

...

...

...

...

...

This is the second request for an extension of deadlines for responsive briefing to Plaintiff's Motion to Strike and Defendant's Motion for Summary Judgment in this matter and no hearing date or trial date will be impacted by the extension as no such hearing date or trial date has been set. The parties submit that the reasons set forth above constitute good cause for the requested extension.

DATED this 7th day of February, 2024.

Dated this 7th day of February, 2024.

HENNESS & HAIGHT

HALL & EVANS, LLC

/s/Stephen J. Mendenhall

/s/Kurt R. Bonds

MARK G. HENNESS, ESQ.

KURT R. BONDS, ESQ.

Nevada Bar No. 5842

Nevada Bar No. 6228

STEPHEN J. MENDENHALL, ESQ.

MADISON M. AGUIRRE, ESQ.

Nevada Bar No. 15286

Nevada Bar No. 16183

HENNESS & HAIGHT

TANYA M. FRASER, ESQ.

8972 Spanish Ridge Avenue

Nevada Bar No. 13872

Las Vegas, Nevada 89148

1160 North Town Center Drive

(702) 862-8200 Telephone

Suite 330

(702) 862-8204 Facsimile

Las Vegas, NV 89144

Attorneys for Plaintiff

Attorneys for Defendant

ORDER

IT IS SO ORDERED.

DATED this 8th day of February, 2024.


UNITED STATES MAGISTRATE JUDGE

Submitted by:

HALL & EVANS, LLC

/s/Kurt R. Bonds

KURT R. BONDS, ESQ.

Nevada Bar No. 6228

MADISON M. AGUIRRE, ESQ.

Nevada Bar No. 16183

TANYA M. FRASER, ESQ.

Nevada Bar No. 13872

1160 North Town Center Drive

Suite 330

Las Vegas, Nevada 89144

(702) 998-1022

nvefile@hallevans.com

Attorneys for Defendant Walmart, Inc.